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10 *Attorney for Defendants*  
11 *Meridian Foreclosure Service, and*  
12 *MTDS, Inc. dba Meridian Trust Deed Service*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RICKY DEWAINE FITZGERALD,

Plaintiff,

vs.

CLARION MORTGAGE CAPITAL, a California Corporation; MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC., [MERS]; FIRST AMERICAN TITLE COMPANY; MERIDIAN FORECLOSURE SERVICE; MTDS, INC., a California Corporation dba MERIDIAN TRUST DEED SERVICE; ONEWEST BANK FSB, STANLEY SILVA, individually; and DOES 1-25 CORPORATIONS, DOES and ROES 1-25 Individuals, [Partnerships, or anyone claiming any interest to the property described in the action,

Defendants.

Case No.: 3:10-CV-00766-RCJ-RAM

**ORDER**  
**REGARDING NONMONETARY**  
**STATUS OF DEFENDANTS**  
**MERIDIAN FORECLOSURE**  
**SERVICE AND MTDS, INC. dba**  
**MERIDIAN TRUST DEED SERVICE**

COMES NOW, Plaintiff RICKY DEWAINE FITZGERALD, by and through his counsel of record, Rick Lawton, Esq., and Defendants MERIDIAN FORECLOSURE SERVICE and MTDS, INC. dba MERIDIAN TRUST DEED SERVICE, by and through their counsel of record, Brooks Bauer LLP, hereby stipulate as follows:

WHEREAS the above-entitled action concerns certain real property located in Reno, Washoe County, Nevada identified in Plaintiff's Complaint as APN 090-391-06, more

1 Washoe County, Nevada identified in Plaintiff's Complaint as APN 090-391-06, more  
2 commonly referred to as 8610 Malibu Drive, Reno Nevada, 89506 (the "Property"); and

3 WHEREAS Plaintiff claims title to the Property; and

4 WHEREAS MERIDIAN FORECLOSURE SERVICE and MTDS, INC. d.b.a.  
5 FORECLOSURE TRUST DEED SERVICE (hereinafter collectively referred to as "Meridian")  
6 are named as Defendants in the instant action; and

7 WHEREAS Meridian is the trustee under a deed of trust executed by Plaintiff, which  
8 deed of trust was recorded against the Property on September 26, 2006 in the Office of the  
9 County Recorder of Washoe County as Instrument Number 3443189 ("Deed of Trust"); and

10 WHEREAS Plaintiff filed the above-entitled action seeking relief including, but not  
11 limited to: 1) a declaratory and injunctive judgment against Defendants prohibiting them from  
12 having or asserting any right, title, or interest in the subject Property; and 2) a judgment quieting  
13 title in the name of the Plaintiff; and

14 WHEREAS the Plaintiff named Meridian in the above-entitled action solely in its  
15 capacity as trustee under the Deed of Trust and not arising out of any wrongful acts or  
16 omissions on the part of Meridian; therefore

17 IT IS NOW HEREBY STIPULATED AND AGREED by and between Plaintiff RICKY  
18 DEWAINE FITZGERALD and Defendants MERIDIAN FORECLOSURE SERVICE and  
19 MTDS, INC. d.b.a. MERIDIAN TRUST DEED DERVICE that Meridian shall not be required  
20 to participate any further in this action except Meridian shall be required to respond to any  
21 discovery requests as a party; and

22 IT IS FURTHER STIPULATED AND AGREED that Meridian shall be bound by any  
23 court order, ruling or judgment regarding the Deed of Trust entered in this action; and

24 IT IS FURTHER STIPULATED AND AGREED that Meridian shall not be subject to

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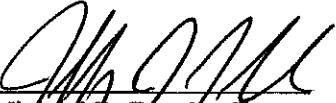
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1 any award of damages, court costs and/or attorneys fees in favor of Plaintiff in this action.

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3 DATED this 17 day of June, 2011.

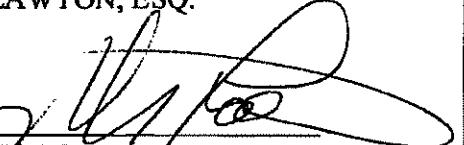
4 BROOKS BAUER LLP

5 By: 

6 Michael R. Brooks, Esq.  
7 Nevada Bar No. 7287  
8 Jeffrey J. Todd, Esq.  
9 Nevada Bar No. 10780  
10 1645 Village Center Circle, Suite 200  
11 Las Vegas, NV 89134  
*Attorneys for Defendants*  
*Meridian Foreclosure Service and*  
*MTDS, Inc. dba Meridian Trust Deed Service*

DATED this 17 day of June, 2011.

RICK LAWTON, ESQ.

By: 

Rick Lawton, Esq.  
Nevada Bar No. 694  
1460 Hwy 95A, North # 1  
Fernley, Nevada 89408  
*Attorney for Plaintiff*  
*Ricky Dewaine Fitzgerald*

12 **ORDER**

13 Based on the above Stipulation:

14 IT IS HEREBY ORDERED that Defendants MERIDIAN FORECLOSURE SERVICE  
15 and MTDS, INC. dba. MERIDIAN TRUST DEED SERVICE (collectively "Meridian") shall  
16 not be required to participate any further in this action except Meridian shall be required to  
17 respond to any discovery requests as a party; and

18 IT IS FURTHER ORDERED that Meridian shall be bound by any court order, ruling or  
19 judgment regarding the Deed of Trust entered in this action; and

20 IT IS FURTHER ORDERED that Meridian shall not be subject to any award of

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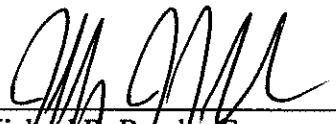
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1 damages, court costs and/or attorneys fees in favor of Plaintiff in this action.

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3 DATED this 5th day of July, 2011.

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UNITED STATES DISTRICT JUDGE

Submitted by:

  
Michael R. Brooks, Esq.  
Nevada Bar No. 7287  
Jeffrey J. Todd, Esq.  
Nevada Bar No. 10780  
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Las Vegas, NV 89134  
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*Meridian Foreclosure Service and*  
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